

1 and Naturalization Act (“INA”), and the United States Supreme Court’s decision in Zadvydas v.
2 Davis, 121 S.Ct. 2491 (2001). (Doc. 7, p. 2). Petitioner requests his immediate release or,
3 alternatively, his release on bond. (Id. at p. 4). Petitioner does not challenge the underlying final
4 order of removal.

5 Because Petitioner may be entitled to relief if the claimed violations are proved, Respondent
6 IS ORDERED TO SHOW CAUSE why the Petition should not be granted. Rule 4, Rules
7 Governing Section 2254 Cases¹; see Rule 1(b), Rule 11, Rules Governing Section 2254 Cases; Fed.
8 R. Civ. P. 81(a)(2). Respondent SHALL INCLUDE a copy of Petitioner’s Alien File and any and all
9 other documentation relevant to the determination of the issues raised in the petition. Rule 5 of the
10 Rules Governing Section 2254 Cases. In the event the Petitioner is released from ICE custody
11 during the pendency of this Petition, the parties SHALL notify the Court by filing a Motion to
12 Dismiss the Petition or other proper pleading. Should the parties fail to notify the Court that
13 Petitioner has been released, the parties may be subject to sanctions pursuant to the inherent power
14 of the Court to issue sanctions in appropriate cases. See Local Rule 11-110.

15 Accordingly, IT IS HEREBY ORDERED:

- 16 1. Respondent is ORDERED TO SHOW CAUSE why the Petition should not be
17 granted. The Return to the Order to Show Cause is due within FORTY-FIVE (45)
18 days of the date of service of this order. Petitioner may file a Traverse to the Return
19 within TEN (10) days of the date the Return to the Order to Show Cause is filed with
20 the Court.
- 21 2. The Clerk of the Court is DIRECTED to SERVE a copy of the Petition for Writ of
22 Habeas Corpus on the United States Attorney. (Court Doc. 1).

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28 ¹The Rules Governing § 2254 Cases can be applied to petitions other than those brought under § 2254 at the Court’s discretion. See, Rule 1(b) of the Rules Governing § 2254 Cases.

1 The Court has determined that this matter is suitable for decision without oral argument
2 pursuant to Local Rule 78-230(h). As such, the matter will be taken under submission following the
3 filing of Petitioner's Traverse or the expiration of the time for filing the Traverse. All other briefing
4 in this action is suspended.

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6 IT IS SO ORDERED.

7 **Dated: June 3, 2005**
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/s/ Theresa A. Goldner
UNITED STATES MAGISTRATE JUDGE